



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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County Counsel

June 14, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI
Senior Assistant County Counsel

RE: **Claim of John Keats**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claim of John Keats, in the amount of \$220,449.78 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This claim seeks compensation for property damage caused by a sewer back up.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Claim of Jon Keates
CASE NUMBER	N/A
COURT	N/A
DATE FILED	March 24, 2009
COUNTY DEPARTMENT	Public Works Special District General Liability Trust Fund – Sewer & Drain District
PROPOSED SETTLEMENT AMOUNT	\$ 220,449.78
ATTORNEY FOR PLAINTIFF	None
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	This non-litigated claim involves property damages arising from a sewer backup at the residence of Jon Keates located in Altadena. A County sewer crew investigated the complaint and found that sewage from a sewer mainline entered the home because of an unexpected pressure surge following the clearance of a downflow tree root blockage. The sewage affected the walls, structure and floors and personal property. The County crew rodded the mainline and returned the conditions to normal. The sewer mainline is maintained by

the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, and the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE	\$	0
PAID COSTS, TO DATE	\$	600



Summary Corrective Action Plan

County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim/Lawsuit:	Jon Keates
Date of incident/event:	March 13, 2009
Briefly provide a description of the incident/event:	<p>This was a sewage backup that occurred at 1281 Sunny Oaks Circle, in the unincorporated Altadena area. The effluent caused damage to the interior of the residence as well as personal property.</p> <p>Public Works responded and the Sewer Maintenance crew confirmed the existence of a main sewer line blockage created by overgrown tree roots between Manhole Nos. 240 and 241. Remediation under the Rapid Response Program was initiated.</p>

1. Briefly describe the root cause of the claim/lawsuit:

The cause of the sewer backup was due to a sudden release of wastewater after a tree root blockage was removed from the main sewer line. The steep sewer slope and right angle turn at Manhole No. 242 caused a large volume of wastewater to surge into the claimant's residence.



2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This segment of the main sewer line was inspected with a closed-circuit television to assess the condition of the line. Based on the results of the inspection, the main sewer line was placed on a bi-monthly hydro periodic schedule to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be inspected on a semi-annual basis.

County of Los Angeles Department of Public Works
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has a Countywide implication.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  Steven G. Steinhoff	Date: 10/05/09
Signature: (Director)  Gail Farber	Date: 10-28-09.

RS:psr

P4:KEATES SCAP



Robert Chavez

CEO PMIG

4/30/10

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIM OF: Jon Keates

INCIDENT DATE: March 13, 2009

INCIDENT LOCATION: 1281 Sunny Oaks Circle

RISK ISSUE:

The County may be liable in Inverse Condemnation if a public improvement, operating as intended, is a substantial factor in causing damage to private property.

INVESTIGATIVE REVIEW:

The main sewer line at this location is maintained by the County under the Consolidated Sewer Maintenance Districts (CSMD).

On March 13, 2009, the main sewer line located at 1281 Sunny Oaks Circle, in the unincorporated Altadena area, became blocked, which caused wastewater to back up in the sewer collection system. Sewer Maintenance Division (SMD) was notified and a SMD crew responded to the location. Upon arrival, the SMD crew observed that the wastewater level in Manhole No. 238 of Sewer Maintenance District Map E-1960 was high but not overflowing. The SMD crew cleaned the main sewer line between Manhole Nos. 240 and 241 and broke down a root stoppage. The main sewer line was left flowing normally.

Shortly after cleaning the main sewer line, the SMD crew was notified by the Fire Department of a floodout at the claimant's residence. The crew responded to the location and observed signs of the floodout, which occurred as a result of a water surge after the root stoppage in the main sewer line was broken down. The steep sewer slope and right angle turn at Manhole No. 242 caused a large volume of wastewater to surge into the claimant's residence.

POLICY ISSUES:

The CSMD's maintenance program consists of regular semi-annual inspections of the sewer system and appurtenances combined with periodic cleaning, repair, and related work as necessary to keep the collection system operating as designed.

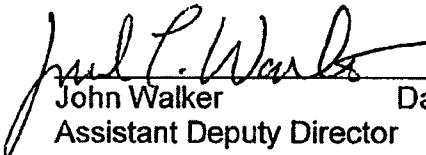
**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CORRECTIVE ACTION:

A copy of Section 710 of the Los Angeles County Plumbing Code was delivered to 1281 Sunny Oaks Circle, informing the property owner(s) that a backflow valve should be installed at the residence and maintained in a safe and sanitary operating condition.


This segment of the main sewer line was inspected with a closed-circuit television to assess the condition of the line. Based on the results of the inspection, the main sewer line was placed on a bi-monthly hydro periodic schedule at an annual cost of \$2,400, to prevent future blockages. The main sewer line will remain on this schedule until it is no longer necessary as determined by maintenance personnel and will continue to be inspected on a semi-annual basis.

Reviewed & Recommended

 9/30/09
John Walker Date
Assistant Deputy Director

RS:psr
P4:KEATES CAP

Approved

 10/22/09
Diego Cadena Date
Deputy Director